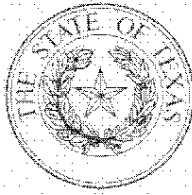


State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

November 5, 2013

Anne Idsal, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin Texas 78711-3087

VIA FACSIMILE NO. 512/239-5533

Re: **SOAH Docket No. 582-13-1520; TCEQ Docket No. 2012-2608-Air; In Re: Application of El Paso Electric Company for Air Quality Permit Nos. 102294 and PSD-TX-1290**

Dear Ms. Idsal:

I have reviewed the exceptions and responses to exceptions to my Proposal for Decision (PFD) and recommend no changes except, the second full sentence at the top of page 19 of the PFD should be deleted and replaced with, "When Mr. Powers was questioned about his claim that if EPE were required to meet a 5 ppm NH₃ BACT limit, 19 tons per year of ammonia emissions would be eliminated, he admitted that he had not reviewed the emission calculations in the Application, leaving him unaware that the pound-per-hour limits in the Draft Permit are actually based on an NH₃ concentration of 5 ppm."

Additionally, I agree with the Executive Director's proposal to combine Draft Permit Special Conditions 5D and 5E as follows: "No more than one of the four simple cycle turbines will undergo a startup and/or shutdown in any 30 minute period, except that infrequent simultaneous startups of multiple turbines within a 30 minute period is allowed for no more than 52 events per year. Startups and shutdowns are limited to no more than 30 minutes per event."

The ALJ recommends that the Commission adopt the PFD with the correction noted above, and issued the Draft Permit with the language above as Special Condition 5D, and Special Condition 5E deleted.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard R. Wilfong".

Richard R. Wilfong
Administrative Law Judge

RRW/l
cc: Mailing List

300 W. 15th Street, Suite 502, Austin, Texas 78701/ P.O. Box 13025, Austin, Texas 78711-3025
512.475.4993 (Main) 512.475.3445 (Docketing) 512.322.2061 (Fax)
www.soah.state.tx.us

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

**300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 322-2061**

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: EL PASO ELECTRIC COMPANY
SOAH DOCKET NUMBER: 582-13-1520
REFERRING AGENCY CASE: 2012-2608-AIR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ RICHARD WILFONG**

REPRESENTATIVE / ADDRESS

PARTIES

ERIC GROTEN
ATTORNEY
VINSON & ELKINS LLP
2801 VIA FORTUNA, SUITE 100
AUSTIN, TX 78746-7568
(512) 542-8709 (PH)
(512) 236-3272 (FAX)
egroten@velaw.com

EL PASO ELECTRIC COMPANY

GARRETT ARTHUR
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
P.O. BOX 13087, MC-103
AUSTIN, TX 78711-3087
(512) 239-5757 (PH)
(512) 239-6377 (FAX)
garrett.arthur@tceq.texas.gov

TCEQ PUBLIC INTEREST COUNSEL

VERONICA CARBAJAL
ATTORNEY
TEXAS RIO GRANDE LEGAL AID
1331 TEXAS AVE.
EL PASO, TX 79901
(915) 585-5107 (PH)
(915) 544-3789 (FAX)
vcarbajal@trla.org

FAR EAST EL PASO CITIZENS UNITED

RAFAEL CARRASCO, JR.

BECKY PETTY
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ENVIRONMENTAL LAW DIVISION
PO BOX 13087, MC-173
AUSTIN, TX 78711-3087
(512) 239-1088 (PH)
(512) 239-0606 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
